

ref: FIR-4A-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE

BOARD OF PATENT APPEALS AND INTERFERENCES

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In re Application of: P. A. FIRESTONE :  
Art Unit: 2876  
Serial No. : 09/635,624 :  
Filed : August 10, 2000 : Examiner: J. A.  
Franklin  
Title : SYSTEM AND METHOD FOR :  
COLLECTING VEHICLE FEES Dated : February  
: 16, 2005  
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APPLICANT'S REPLY BRIEF

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Margaret Rogers - February 16, 2005

Enclosed is:

- (1) A Reply Brief in triplicate;
- (2) Request for Oral Hearing; and
- (3) PTO Form 2038 for payment of the Oral Hearing

## Introduction

Applicant wishes to reply to two points raised by the Examiner's Answer.

## Two-way Communication

First, the Examiner states on page 5, first paragraph, that the claims do not recite the parallel exchange of information between the reader and the central agency. Applicant disagrees.

Claims 11 and 18 are the two independent claims in this case. Claim 11, in paragraph (f), recites that the vehicle identification is communicated to the central agency; and in paragraph (h) that the information from the central agency is communicated to the readers. In Claim 18, paragraphs (c) and (d) recite that the readers communicate the vehicle identification to the central agency and in paragraph (e), the central agency communicates to the readers. The information which is

communicated by the central agency is referred to in subparagraph (b) of Claim 11 and in paragraph (a) of Claim 18 as being information relating to the vehicle.

The Examiner states that Slavin communicates two ways, see 2<sup>nd</sup> paragraph on page 5 of the Examiner's Answer. The information that Slavin communicates from the central agency to the reader relates to a credit card. This is not information relating to the vehicle but, rather, to a credit card.

No mention is made of either Urbish or Leitner communicating from the central agency back to the reader in the Examiner's Answer. Thus, it is submitted that neither Urbish, Slavin nor Leitner teach that information concerning the vehicle, which is stored in the central agency, is communicated back to the reader. At best, Slavin teaches that credit card information is sent back to the reader, however, that credit card information relates to the user of the vehicle and not necessarily the vehicle.

### Collection of Parking Fees

The Examiner's Answer does not address the fact that road use fees are collected from parked vehicles. In other words, the present Invention collects parking fees.

Both Claim 11 and Claim 18 recite that the reader can be a mobile reader wherein the vehicle is stationary and a road use fee is charged against the vehicle, see Claim 11, paragraphs (e) and (g) and Claim 18, paragraphs (d) and (e).

The Examiner has relied on Leitner to teach a mobile reader, however, Leitner does not teach nor suggest his mobile reader being used for road use fees. In fact, Leitner does not contemplate two way communication between the mobile reader and the central agency. The reader of Leitner is alone in the field with a reader that has no external communication ability. As brought out on page 8 in the middle paragraph of Applicant's Reply Brief, the user of Leitner's device is left in the field without the ability to communicate back to the central agency.

Furthermore, Leitner's device does not teach anything about collecting road use fees.

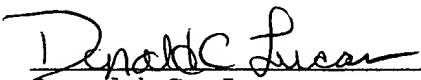
Conclusion

Applicant maintains his position that the present Invention is patentable over the references of Urbish, Slavin and Leitner taken alone or in combination and that Applicant's Invention is allowable.

Should any further fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Respectfully submitted,

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Encl: Items Nos. 1-3 as listed herein  
Executed PTO Form 2038  
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